IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 1646 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 21/07/2004 in WP NO: 26112 OF 2003 on the file of the High Court.)

Between:

1. The Vice Chairman and Manging Director Andhra PradeshState Raod Transprot Corporation. Mushirabad, Hyderabad.

2. The Regional Manager, Andhra Pradesh State Road

Transport Corporation, Srikakulam Region, Srikakulam,

District.

3 The Depot Manager, Andhra Pradesh State Road Transport

Corporation, Srikakulam-II Depot, Srikakulam, Srikakulam

District.

……. APPELLANTS

AND

Smt. D.Sridevi W/o Late Sai Ram, Quarter No.256(c),

Sector –6, Ukkunagaram, Visakapatnam District.

.....RESPONDENT

Counsel for the Appellant :MR.P.VINAYAKA SWAMY

Counsel for the Respondent: MR. G. RAVI MOHAN.

The Court at the admission stage made the following :

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JUDGMENT: (Per the Honourable Smt. Justice T.Meenakumari)

This writ appeal is filed by the writ respondents-appellants herein aggrieved by the order in W.P.No:26112 of 2003, under which the learned single Judge disposed of the said writ petition.

W.P.No: 26112 of 2003 has been filed by the writ petitioner-respondent herein seeking to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing the proceedings dated 21-10-2003 as illegal and arbitrary and to set-aside the same and consequently direct the respondents-appellants to consider the case of the petitioner-respondent herein for appointment to the post of Attender/or any suitable clerical post/or Shramic post on compassionate grounds. The learned single Judge having observed that as there is no justification to fix cut off date with retrospective effect to extend the benefit of circular No. PD-68/2000, dated 30-11-2000 in respect of lady dependants of employees who died in harness in case of deaths occurred on or before 04-11-2000, the cases of the lady dependants of the employees who died before 04-11-2000 and up to the date of the circular cannot be distinguished and all the cases of the lady dependants of the employees who died in harness have to be dealt with as on the date of circular No.PD-68/2000, dated 30.11.2000, set aside the order impugned directing the respondents to consider the case of the writ petitioner-respondent herein by relaxing her under height by 4.5 centimeters and pass appropriate orders. Having aggrieved by the same, the present writ appeal is preferred by the respondents-appellants.

Heard the learned counsel on either side.

It is submitted by the learned counsel for the appellants that on the application submitted by the petitioner-respondent, the committee after examining the issue, rejected the same on the ground that as per the circular No:PD-68/2000, dated 30.11.2000, the under height can be relaxed up to 7 centimeters in respect of lady dependants of employees who died in harness in case of deaths occurred on or before 4.11.2000, but the husband of the petitioner died on 29.11.2000. Therefore, the case of petitioner-respondent cannot be considered.

On the other hand, it is submitted by the learned counsel for the petitioner-respondent that she a B.Com., graduate having technical qualification Typewriting Higher Grade and her husband died while in service of the appellants-Corporation and as such, there is no justification to fix the cut off date with retrospective effect to extend the benefit of circular dated 30.11.2000.

We have perused the order impugned and the material available on record. The undisputed fact remains that the husband of the petitioner-respondent died on 29.11.2000 i.e., one day prior to the issuance of Circular dated 30.11.2000. While disposing of the writ petition, it is observed by the learned single Judge that the petitioner is a B.Com., graduate having technical qualification and admittedly, her husband died while in service of the Corporation and therefore, there is no justification to fix cut off date with retrospective effect to extend the benefit of circular No:PD-68/2000, dated 30.11.2000 in respect of lady dependants of employees who died in harness in case of deaths occurred on or before 4.11.2000. It is further observed by the learned single Judge that the case of the lady dependants of the employees who died before 4.11.2000 and up to the date of the circular cannot be distinguished and all the cases of the lady dependants of the employees who died in harness have to be dealt with as on the date of circular No:PD-68, dated 30.11.2000.

It is not the case of the respondents-appellants that the petitioner-respondent is not eligible for any post. But, her application has been rejected by the committee only in view of the cut off date as per the Circular dated 30.11.2000. As rightly observed by the learned single, there is no justification to fix the cut off date with retrospective effect to extend the benefit of circular dated 30.11.2000 and apart from that, the cases of the lady dependants of the employees who died before 4.11.2000 and up to the date of circular cannot be distinguished.

In the circumstances of the case, We are of the considered opinion that in the view of the circulars issued from time to time affording an opportunity of employment to the eligible dependants of the employees who died in harness, rejecting the application of the petitioner-respondent, who is a graduate with technical qualification, on mere technicalities basing on the circular dated 30.11.2000 issued subsequent to the death of the husband of the petitioner-respondent, is not justified and that the findings of the learned single Judge, would not warrant any interference by this Court. We see no merits in the appeal and the same is liable to be dismissed.

Accordingly, the writ appeal is dismissed. No costs.

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Justice T.Meenakumari

14th December, 2004

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justice S.Ananda Reddy

Dvs/Gurc

To

1. Vice Chairman and Manging Director Andhra PradeshState

Raod Transprot Corporation. Mushirabad, Hyderabad.

2 The Regional Mangaer, Andhra Pradesh State Road

Transport Corporation, Srikakulam Region, Srikakulam,

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3 The Depot Mangaer, Andhra Pradesh State Road Trasnport

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THE HONOURABLE SMT. JUSTICE T.MEENA KUMARI

AND

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